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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,060	08/20/2003	Brad W. Blumberg	SMTR-002/01US	4358
22903	7590	12/01/2005	EXAMINER	
COOLEY GODWARD LLP ATTN: PATENT GROUP 11951 FREEDOM DRIVE, SUITE 1700 ONE FREEDOM SQUARE- RESTON TOWN CENTER RESTON, VA 20190-5061			FIGUEROA, MARISOL	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,060

Applicant(s)

BLUMBERG ET AL.

Examiner

Marisol Figueroa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is in response to Applicant's amendments filed on September 6, 2005. Claims 1-17 are still pending in the present application.

Information Disclosure Statement

2. The Information Disclosure Statement (IDS) filed on September 30, 2005 has been considered by the examiner.

Continuing Data

3. The disclosure of the application 09/639,265 dated August 15, 2000, does not disclose the new matter of the present application, therefore the priority date considered is from the prior application 09/774,119 dated January 1, 2001.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Want et al. U.S. Patent No. 6,122,520** in views of **Raith U.S. Patent No. 6,625,457**, and **Dowling et al. U.S. Publication No. 2003/0069029 A1**.

Regarding claim 1, Want discloses a method of retrieving location-centric information, comprising: identifying a geographic location within a base grid using an electronic device (col.2, lines 6-13; col.5, lines 6-11, a user points or clicks on a specific location on a map); querying a database based on data associated with the geographic location (col.4, lines 40-44, col.5, lines 13-16; a coordinate entry is transmitted to a node for retrieval of location based information), the geographic location being associated with the location of the electronic device (col.4, lines 5-13; the coordinate entry is associated with the location of the computer or PDA), and the database including information associated with at least some of the plurality of the locations within the base grid (col.4, lines 24-28; col.5, lines 11-16; a node in the network stores information about various locations, preferably organized as "web pages") and receiving the information associated with the identified geographic location (col.4, lines 20-24; col.5, lines 13-16). However, Want fails to disclose wherein the base grid is being defined by a plurality of volumes, the volumes defining a plurality of locations within the base grid. Raith discloses a mobile terminal containing a location database that contains location specific information related to predefined positions or geographic areas in the location database, the database contains a plurality of location specific information such as emergency telephone numbers, telephone numbers for public facilities, post offices, hotels, restaurants, etc (abstract; col.4, lines 1-28). Therefore, it would have been obvious to provide a base grid with a plurality of volumes, e.g. location specific information, as suggested by Raith, in order for the user to obtain a plurality of information items related to his/her current location. Nevertheless, the combination of Want and Raith fails to disclose wherein the information within the at least some of the plurality of locations is associated with a potential real estate transaction. Dowling discloses a mobile unit that is able to navigate through a plurality of physical localities and web pages, i.e. information, are displayed in a geographical web browser according to the locality the mobile unit is

currently in, furthermore a user desiring to buy a house can set the web browser to a real estate page and when the user drives into a first area automatically receives web pages relating to homes in that area (abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to retrieve information associated with a potential real estate transaction according to a location as suggested by Dowling, in order to facilitate the user the access to real estate property information in an area where he/she is currently located and desires to buy a house.

Regarding claim 2, the combination of Want, Raith, and Dowling disclose the method of claim 1, Want further discloses wherein identifying the geographic location includes identifying the geographic location seamlessly (col.4, lines 5-16, 20-24; col.5, lines 6-13; the electronic device comprises of a GPS receiver that identifies an specific coordinate entry of the location of the electronic device).

Regarding claim 3, the combination of Want, Raith, and Dowling disclose the method of claim 1, Want further discloses wherein querying a database based on data associated with the geographic location includes querying a database based on a geocode associated with the geographic location (col.4, lines 40-44; col.5, lines 13-16; it is know that a geocode refers to the coordinates of a location in terms of latitude or longitude).

Regarding claim 4, the combination of Want, Raith, and Dowling disclose the method of claim 1, Want further discloses wherein receiving the information associated with the identified geographic location includes receiving the information associated with the identified geographic location in real-time (col.2, lines 6-10).

6. **Claims 5 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Want et al.** in views of **Raith and Dowling et al.**, and further in view of **Bar et al. U.S. Patent No. 6,456,852.**

Regarding claim 5, the combination of Want, Raith, and Dowling disclose the method of claim 1, but fails to disclose wherein receiving the information associated with the identified geographic location includes receiving information that has been dynamically updated via a network, the dynamically updated information being associated with the identified geographic location. Bar discloses a real time location information database of cellular telephone users to various third party information subscribers that can be accessed via Internet, which includes a dynamic real-time database that contains the most recent location information of all transmitters within a geographic region (col.2, lines 9-17, 24-32; col.2-3, lines 67, 1-5). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to receive information that has been dynamically updated as suggested by Bar, in order to receive the most recent location based information.

Regarding claim 6, the combination of Want, Raith, and Dowling disclose the method of claim 1, Want further disclose wherein receiving the information associated with the identified geographic location includes: receiving information based on sensor data identified with the geographic region (col.2, lines 47-51). However, Want, Raith, and Dowling fails to disclose that the information has been dynamically updated via a network the dynamically updated information being associated with the identified geographic location. Bar discloses a real time location information database of cellular telephone users to various third party information subscribers that can be accessed via Internet, which includes a dynamic real-time database that contains the most recent location information of all transmitters within a geographic region (col.2, lines 9-17, 24-32; col.2-3, lines 67, 1-5). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to receive information that has been dynamically updated as suggested by Bar, in order to receive the most recent location based information.

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7. **Claims 7-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Richton U.S.**

Patent No. 6,650,902 B1 in view of **Dowling et al.**

Regarding claim 7, Richton discloses a computer executable software code stored on a computer-readable medium operable with a wireless device (col.3-4, lines 63-67, 1-2), the code for: providing information related to a geographic location to an information system (col.8, lines 46-50; the user specifies the locations at which he/she desires location-specific information), the geographic location being located within a base grid (col.8, lines 50-55) and the information being associated with the position of an electronic device (col.8, lines 46-50; the user specifies the locations at which he/she desires location-specific information, the location is associated with the wireless device since the wireless device will receive the information in that particular location); receiving a location identifier from the information system (col.8, lines 50-55); and receiving location-centric information from said information system (col.8-9, lines 58-67, 1-6), the location-centric information being related with the geographic location (col.8, lines 58-61). However Raith fails to disclose wherein the location-centric information is related to a potential real estate transaction within the geographic location. Dowling discloses a mobile unit that is able to navigate through a plurality of physical localities and web pages, i.e. information, are displayed in a geographical web browser according to the locality the mobile unit is currently in, furthermore a user desiring to buy a house can set the web browser to a real estate page and when the user drives into a first area automatically receives web pages relating to homes in that area (abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to receive information associated with a potential real estate transaction within a geographic a location as suggested by Dowling, in order to facilitate the user the access to real estate property information in an area where he/she is currently located and desires to buy a house.

Regarding claim 8, the combination of Richton and Dowling disclose the computer-executable software code of claim 7, Richton further discloses wherein the code is configured to associate geocode based on the geographic location with the location-centric information (col.6, lines 34-38; col.9, lines 39-44, 51-60; the mobile unit can determine its own latitude and longitude, it is known that a geocode refers to the coordinates of a location in terms of latitude or longitude).

Regarding claim 9, the combination of Richton and Dowling disclose the computer-executable software code of claim 7, Richton further discloses wherein the code for receiving location-centric information includes code for receiving location-centric information in real time (col.2-3, lines 66-67, 1-6).

Regarding claim 10, the combination of Richton and Dowling disclose the computer-executable software code of claim 7, Richton further discloses wherein the code for receiving location-centric information includes code for receiving location-centric information (col.3-4, lines 63-67, 1-2), however fails to disclose that the information has been dynamically updated via a network. Richton discloses that the computer-based application can access many databases including, for example, airline flight, road and traffic information, and weather; this information has to be up to date for being useful. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to dynamically update this via a network such as the Internet; in order to receive the most recent location based information.

8. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Richton** in view of **Dowling et al.**, and further in view of **Want et al.**

Regarding claim 11, the combination of Richton and Dowling disclose the computer-executable software code of claim 7, however fails to disclose wherein the code for receiving location-centric information includes code for receiving location-centric sensor information, the

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sensor information being dynamically updated via a network. Want discloses a location information system that provides real-time location specific information, preferably the location of the device is determined with a connection to a positioning receiving system (GPS) but other methods of determining the location of a particular place can be used, such as printed label codes and other labeling systems, provided on various stores, public building, statues and the like. The computer is provided with a barcode scanner to obtain a coordinate entry and obtain information about that particular location. Also infrared beacons may be provided to provide a coordinate entry via an infrared detector (col.2, lines 6-24; 34-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to provide location-centric sensor information because it will provide a fixed coordinate entry of a place and provide location information about that specific place.

9. **Claims 12, 13, and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Raith** in view of **Dowling et al.**

Regarding claim 12, Raith discloses a database stored on a computer-readable medium (abstract, lines 1-2), comprising;

a plurality of location data fields (col.4-5, lines 65-67, 1-9; predefined geographic areas are stored in the mobile terminal, and the defined geographic area may comprise countries, cities and also may include sub-areas) each location field being associated with a location in a base grid (col.4, lines 21-23); and

a plurality of information data fields (col.4, lines 1-16), at least one of the information data fields being associated with each location within the base grid (col.4, lines 21-23), the information data fields being configured to be updated dynamically via a network (col.2, lines 5-17), the database being configured to output information associated with a location in a base grid to an electronic

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device (col.1-2, lines 61-67, 1-4). However, Raith fails to disclose that the base grid is being defined in three-dimensional space. It would have been obvious to one having ordinary skill at the time of the invention to provide a base grid, e.g. a map, defined in a three dimensional space since it would be a more accurate location database and since a GPS receiver can provide an specific location in latitude, longitude and altitude. Nevertheless Raith fails to disclose wherein the output information is associated with a potential real estate transaction at a particular location. Dowling discloses a mobile unit that is able to navigate through a plurality of physical localities and web pages, i.e. information, are displayed, i.e. output, in a geographical web browser according to the locality the mobile unit is currently in, furthermore a user desiring to buy a house can set the web browser to a real estate page and when the user drives into a first area automatically receives web pages relating to homes in that area (abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to retrieve information associated with a potential real estate transaction according to a location as suggested by Dowling, in order to facilitate the user the access to real estate property information in an area where he/she is currently located and desires to buy a house.

Regarding claim 13, the combination of Raith and Dowling disclose the database of claim 12, Raith further discloses wherein at least some of the plurality of information data fields include geocodes associated with locations within a base grid (col.4, lines 21-23; it is know that a geocode refers to the coordinates of a location in terms of latitude or longitude)

Regarding claim 17, the combination of Raith and Dowling further disclose the database of claim 12, wherein the at least one information data field includes: at least two information data fields associated with a location within the grid (col.4, lines 2-10), the at least two information data fields being selectively accessible by the electronic device (col.4, lines 21-28).

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10. **Claims 14-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Raith** in view of **Dowling et al.**, and further in view of **Want et al.**

Regarding claim 14, the combination of Raith and Dowling disclose the database of claim 12, Raith further disclose wherein at least one of the plurality of information data fields is configured to be updated dynamically via a network (col.2, lines 5-17). Raith and Dowling fail to disclose that the information is updated with sensor data. Want discloses a location information system that provides real-time location specific information in association with a coordinate entry (abstract, lines 1-10), furthermore discloses that infrared beacons may be used as the source of location information to retrieve location specific information or web pages about a particular place (col.6, lines 54-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to use sensor data of a particular place to update the information displayed to the user of a mobile user as suggested by Want, because it provides a fixed coordinate entry of a place that is associated with the current location of the user.

Regarding claim 15, the combination of Raith, Dowling, and Want discloses the database of claim 14, Raith further discloses that data associated with a weather condition can be forwarded to a mobile device based in a current location (col.2, lines 41-46; col.5, lines 21-22). However Raith and Dowling fails to disclose wherein sensor data is associated with a weather condition. Want discloses a location information system that provides real-time location specific information in association with a coordinate entry (abstract, lines 1-10), furthermore discloses that infrared beacons may be used as the source of location information to retrieve location specific information or web pages about a particular place (col.6, lines 54-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Raith with Want, since Raith retrieve location based information such as weather in association with a

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coordinate entry and Want teaches a sensor data such as infrared beacons that transmit a coordinate entry of a particular place, thus weather information about a particular place can be associated with a sensor data because it would be important for a person to know the weather condition of the place he is currently located.

Regarding claim 16, the combination of Raith, Dowling and Want disclose the database of claim 14. However fails to disclose wherein the sensor data includes sensor data associated with a moveable object. Want discloses a location information system that provides real-time location specific information in association with a coordinate entry (abstract, lines 1-10), furthermore discloses that infrared beacons may be used as the source of location information to retrieve location specific information or web pages about a particular place (col.6, lines 54-67). At the time of the invention, it would have been obvious matter of design choice to a person of ordinary skill in the art to associate sensor data with a moveable object since Applicant has not discloses an advantage, a particular purpose, or solves a stated problem. One of ordinary skill in the art would have expected that Want's invention would perform equally well with sensor data associated with a moveable object.

Prior Art of Record

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- 1) SEALAND et al. (US 2003/0014402 A1) – System and Method for Transacting Retrieval of Real Estate Property Listings Using a Remote Client Interfaced Over and Information Network.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system,

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see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marisol Figueroa
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JOSEPH FEILD
SUPERVISORY PATENT EXAMINER